

## REMARKS

### A. Background

Claims 1, 2, 7, 10, 16, 19, 34, 37, 139, and 142 were pending in the application at the time of the Office Action. Claims 3-6, 8, 9, 11-15, 17, 18, 20-33, 35, 36, 38-138, 140, 141, and 143-194 were withdrawn from consideration in an earlier paper. Claims 1, 2, 7, 10, 16, 19, 34, 37, 139, and 142 were rejected as being anticipated by cited art. By this response applicant has amended claim 1 to further clarify, more clearly define, and/or broaden the claimed invention and expedite receiving a notice of allowance. As such, Applicant submits that claims 1, 2, 7, 10, 16, 19, 34, 37, 139, and 142 are now in condition for immediate allowance.

### B. Proposed Claim Amendments

Applicant has herein amended claim 1 to recite “so that total diffraction loss at the first and second loss components becomes smaller than the diffraction loss at the first loss component without the second loss component.” The amendment is supported at least by p. 33, line 5 to p. 34, line 3 of the specification. In view of the foregoing, applicant submits that the amendments to the claims do not introduce new matter and entry thereof is respectfully requested.

### C. Rejection on the Merits

Paragraphs 2 and 3 of the Office Action reject claims 1, 2, 7, 10, 16, 19, 34, 37, 139, and 142 under 35 USC § 102(b) as being anticipated by U.S. Patent No. 6,304,687 to Inoue et al. Applicant respectfully traverses this rejection.

In the rejection of claims 1, 2, 7, 10, 16, 19, 34, 37, 139, and 142, the Office Action generally refers to Figures 8, 9, 14, and 17 of *Inoue* in asserting that *Inoue* anticipates the

currently claimed inventions. Figures 8, 9, 14, and 17 show various embodiments of a waveguide circuit, but give no indication as to how spacing between components is determined. See col. 5, lines 33-37, 52-53, 61-64. In the rejection, the Office Action has asserted that *Inoue* discloses “[w]herein the spacing between the first loss component and the region is determined at such a distance that the light passing through the region can reach the first loss component before a leakage of the light at the region completely turns to radiation,” as recited in claim 1. In support of this assertion, the examiner alleges only that “it is noted that no type of radiation is disclosed and that light is a form of radiation.” Office Action, page 3. Notwithstanding the assertion, Applicant notes that, with the exception of the general reference to the figures discussed above, the Office Action has failed to cite any portion of *Inoue* as providing support for the aforementioned assertion. Because none of Figures 8, 9, 14, and 17 disclose how spacing between any of the *Inoue* components is determined, these figures give no support for the assertion of the Office Action. And simply alleging that “no type of radiation is disclosed and that light is a form of radiation,” does not cure this deficiency of the Office Action. Thus, the Office Action has not shown that *Inoue* discloses “wherein the spacing between the first loss component and the region is determined at such a distance that the light passing through the region can reach the first loss component before a leakage of the light at the region completely turns to radiation,” as recited in claim 1.

In light of the foregoing discussion, Applicant respectfully submits that the Examiner has failed to establish that *Inoue* anticipates claim 1, at least because the Examiner has not established that the identical invention is shown in *Inoue* in as complete detail as is contained in claim 1, and because the Examiner has not shown that *Inoue* discloses the elements of claim 1

arranged as required by that claim. Applicant thus respectfully submits that the rejection of claim 1 should be withdrawn.

Claims 2, 7, 10, 16, 19, 34, 37, 139, and 142 depend from claim 1 and thus incorporate the limitations thereof. As such, applicant submits that claims 2, 7, 10, 16, 19, 34, 37, 139, and 142 are distinguished over the cited art for at least the same reasons as discussed above with regard to claim 1. As such, Applicant respectfully requests that the anticipation rejection with respect to claims 2, 7, 10, 16, 19, 34, 37, 139, and 142 also be withdrawn.

No other rejections or objections were presented in the Office Action.

#### C. Conclusion

Applicant notes that this response does not discuss every reason why the claims of the present application are distinguished over the cited art. Most notably, applicant submits that many if not all of the dependent claims are independently distinguishable over the cited art. Applicant has merely submitted those arguments which it considers sufficient to clearly distinguish the claims over the cited art.

In view of the foregoing, applicant respectfully requests the Examiner's reconsideration and allowance of claims 1, 2, 7, 10, 16, 19, 34, 37, 139, and 142 as amended and presented herein.

In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Dated this 6<sup>th</sup> day of July 2006.

Respectfully submitted,

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